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CASE

OF THE

## OFFICERS

Belonging to the

Late Regiment of Foot,

Under the Successive Command of the late

Count FRANCIS NASSAU,

AND

Colonel DE MAGNY,

Which were taken Prisoners at the

Battle of ALMANZA.

in april 1707

OBFICIES.

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Late Regiment of Foot,

Dailer the Forces to Commend of the last

County FRANCIS LUMBEAU.

C A A

Colonel DE AMSIVAC

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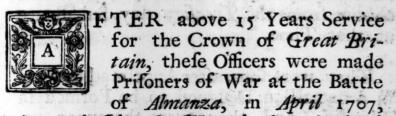
Battle of



### THE

# CASE

Of the Officers which were taken Prisoners at the Battle of Almanza, of the late Regiment of Foot under the Successive Command of Count Francis Nassau and Colonel Constantine De Magny.



where, besides the Wounds they received in that Action, they lost all their Baggage, were kept on the Frontiers of Spain near Three Years afterwards, and sent through France to Doway; and there, on the 27th of June 1710, they were Exchanged. They were paid their Subsistance by the Paymaster of Prisoners to the 24th of August 1710, and the Regiment being Discontinued

tinued (a), they then took the first Opportunity of returning Home.

Upon their Arrival in Great Britain, the Commissary General of the Musters had Directions (b) to Certifie a List of these Officers, in order to their Obtaining their Subsistance, or being otherwise Provided for, as should be thought fit.

For which end, the Officers did from Time to Time appear before the faid Commissary, and her Majesty was pleased to Refer their Memorial for Subsistance, to the Consideration of the then Lords of the Treasury, (c) That their Lordships might give such Directions as they should think proper, for the Paying what Money was Due to them; but the Officers could not, for the Reason hereaster mentioned, obtain from the Treasury any Subsistance at that Time.

They were foon after Appointed to ferve in a Battallian Defigned to be Formed in Flanders, and they were thereupon acquainted by the Secretary at War (d), It was her

<sup>(</sup>a) Discontinuing Order, page 15.

<sup>(</sup>b) Secretary at War's Letter of 4 Dec. 1710, to the Commissary General, pag. 16.

<sup>(</sup>c) Secretary at War's Letter of 12 Mar. 1711, to Mr. Lownds, Secretary to the Treasury, pag. 17.

<sup>(</sup>d) Secretary at War's Letter of 1 June 1711, to Capt. Mark Anthony Valogne, pag. 17.

her Majesty's Pleasure, they should hold themfelves in a Readiness to proceed thither.

The Secretary at War, about the same Time, fent to Mr. Cardonal, the Duke of Marlborough's Secretary, A List of the Officers who were Appointed to Serve in this Battalion, and in his Letter (e) acquaints him, That Three Months Subsistance was Advanced to them by Mr. Bridges, (now Duke of Chandois) on Account, until their Pay should be regulated by the Duke of Marlborough.

The next Day the Secretary at War fignify'd (f) to the faid Officers, That it was her Majesty's Pleasure, they should take the first Opportunity of Repairing to the Army in Flanders, where, upon their Arrival, they were to apply to Mr. Cardonal for his Grace the Duke of Marlborough's farther Orders.

After which, some Alterations in the List being made, the Secretary at War acquainted Mr. Cardonal (g), That the Treasury did not think it proper to employ in the faid Battalion any of the

<sup>(</sup>e) Extract of Secretary at War's Letter of 8 June 1711, to the Duke of Marlborough's Secretary, pag. 18.

<sup>(</sup>f) Secretary at War's Letter of 9 June 1711, to

Capt. Valogne, pag. 19.
(g) Extract of Secretary at Wai's Letter of 15 June 1711; to the Duke of Marlborough's Secretary, page 20.

Officers on the Pension in Ireland, but that as many of the Regiment of De Magny's, late Count Nassau's, as were not Provided for, should be fent over, and the Number required, made up out of the Half-Pay Officers here at Home, and that he should hasten over the Officers.

Within a Month after, the Secretary at War enclosed with his Letter to the Treasury (b), An Extract of a Letter which he received from Mr. Cardonal, concerning this Battallian, and Desired that if the Treasurer approved thereof, he would please to Order them some Money, that they might be hastened over to their Command, Mr. Cardonal representing that they were very much wanting.

The Secretary at War then acquainted Mr. Cardonal (i), That he renewed his Application to the Lord Treasurer, that those Officers might have Money to enable them to Repair to Flanders, yet he did not find his Lordship had taken any Resolution therein, but would remind him of it again; and that he found the Difficulties in this Matter to arise from there being no Provision made for them by Parliament.

Ac-

<sup>(</sup>b) Secretary at War's Letter of 11 July 1711, to the Treasury, page 20.

<sup>(</sup>i) Extract of Secretary at War's Letter of 20 July 1711, to the Dake of Marlborough's Secretary, pag. 21.

Accordingly, the Secretary at War, by another Letter (k), defired the Lord Treafurer to be put in Mind of the Advance of Pay to be made to these Officers, according to the List which some Time since had been laid before him.

But after these Measures had been taken to Form this intended Battallian, the Project was laid aside, and the Officers remained in Great Britain attending her Majesty's Commands; But they not having received their Subsistance, although they were Mustered from Time to Time, the Application to the Treasury was Continued; and upon a Reference of their Petition, the then Pay-Master-General and Secretary at War, were pleased, in September 1711, to Report (1) to the Treasury;

That These Officers were never Difbanded.

That They had attended ever fince their Exchange, at an equal Expence with other Officers here, who had been constantly paid.

That

<sup>(</sup>k) Secretary at War's Letter of 2 August 1711, to the Treasury, pag. 22.

<sup>(1)</sup> Pay-Master General and Secretary at War's Report to the Treasury, pag. 22.

That They produced a Certificate from the Commissary General of the Musters, dated August 22, 1711, of their appearing before him.

That the Officers of the Three other Discontinued Regiments were all along subsisted, until the Regiments were restored, or they otherwise provided for.

That Those who had given Credit for the Subsistance of these Officers, since their Exchange, did then Threaten Them with Imprisonment, unless they were speedily repaid.

That from these Considerations it was hoped their Pay would be Continued until they should be Restored in their former Corps, or some otherwise Provided for.

And that it was their Opinion, the Services and Sufferings of these Officers did very justly intitle them to her Majesty's Favour.

This Report being read at the Treasury, it was Minuted, That there was then no Fund for their Payment; But it was recommended to them to Apply to Parliament.

Upon this they Petition'd the then House of Commons for their Pay, for the Year 1711, and were Referred to the Committee of Supply. (m)

And the next Session the Committee of Estimates Reported (n) to the House, That 44491. 18 s. was Voted by Parliament for the Claim of these Officers. Which Sum is their Full-Pay, as by the Annexed State, Page 14. from June 27. 1710, the Time they were Cleared, to December 23. 1711, when they Commenced on Half-Pay.

But as the Funds did not answer the Sums Granted for the Army, these Officers did expect to be paid out of the 300,000 l. Given on Account of the Debts Reported by the Committee of Estimates, until Commissioners were appointed to Determine the same; To whom they then applied: But the Board was pleased to Adjourn the Consideration thereof, until the Accompts of the Regiment should be Examined. Those Accompts are now Stated by the said Commissioners to 27 June 1710, and the Officers have been in Hopes that the State of their Claim to December

(m) Votes of the House of Commons the 13 Feb. uary

23.

<sup>(</sup>n) Page 194 in the Journal of the House of Con-

But the faid Commission being now near Expired, they are apprehensive of losing the Benefit of their Claim, and Pray their Case may be Considered with a just and favourable Regard to their Long and Expensive Services, and their Unhappy Circumstances.

However, it's Believed these Fasts, which concern so many Officers, will not be Reckoned of such little Moment, as to be indifferently passed over, or Determined against them, before the Matter thereof is Fully Examined, or it be known whether any farther necessary Proofs can be Produced.

For from what already Appears, it's prefumed, That during the Time for which their Claim is made, it will be allowed,

I. That They were not Disbanded before they were Placed on Half-Pay. Which in the Case of the Officers of the late Lord Gallway's Spanish Regiment of Foot was reckoned the First Ast that had the Appearance of a Disbandment of that Part of the Regiment which was made Prisoners, and was the Reason given for Continuing their Full-Pay to December 1711, when they Commenced on Half-Pay.

- II. That if these Officers had been Disbanded, and not Esteemed as Officers on Full-Pay, at the Time they were appointed to Serve in Flanders, the Government would then have Given them Commissions for that Service.
- III. That without her Majesty's Leave, it was not Lawful for Them to Quit the Army; neither could they follow any Trade or other Calling for their Maintenance.
- IV. That the Government Detained Them for the Service of Great-Britain, and intended them Pay according to their Qualities.
- V. That if They had Neglected their Duty, or Disobeyed her Majesty's Commands, they might be Tryed by a Court Martial, and would be liable to the Penalties in the Asts against Mutiny and Desertion.
- VI. That by Attending her Majesty's Orders, and by being Muster'd from Time to Time, They have as Just Pretentions to Full-Pay, according to their Commissions, as any Officer in the Army.

Months in which they co

VII. And That an Allowance for the fame being already Voted and Estimated by Parliament as a Debt, the Commissioners of Army Debts have, by the Powers given them, sufficient Authority to allow their Claim.

But admitting this Claim to be a Demand not Voted by Parliament, the Precedents of Full-Pay Allowed to Reduced and Disbanded Officers, Detained from their private Affairs, for the Service of the Government, at Times when there has been no Opportunity for their Performing Duty, or even no Necessity for their Service, are fo many, that there is scarce an Instance to the contrary; And as it has always been the Custom of Great Britain, especially fince the Revolution, to Give the Officers of the Army, Full-Pay to the Time they Commence on Half-Pay; And there being now no other Corps of Officers to make the like Demand: These Officers conceive They do not without Reason expect, That in Consideration of so many Years faithful Service, for the Crown of Great Britain. and in Compassion to the Misfortunes they are involved in, by the Debts contracted at the Time they were without Subfiftance, the Government will Grant them the Favour of Full-Pay, for the Eighteen Months in which they could have nothing tor

for their Maintenance, but what they Depended on from the Crown.

Upon these Considerations, They Pray they may have the Benefit of the said Eighteen Months Full-Pay to December 1711, according to the following State.

All which is bumbly submitted.

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Jan. 25. 1721.

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Beaufor:—
Cap.La. Calleic
Licar. Fischeler
Sautel
Campaign—
Bount/Ac
Oleans



DISTRIBUTION of the Sum of 44491. 185. Voted by Parliament for the Full Pay of the undernam'd Officers of the late Count Nasau's Regiment of Foot to the 23d of December 1711. with the Deductions of Poundage, Hospital and Subsistance.

Officers Names.	546 Days Full Pay from 27 June 1710, to 23 Dec. 1711, when the Offi- cers commenc'd on Half-Pay.			Poundage and Hospital.			Substitute pd. by Col. Labastie Pay-Master of Prisoners, from 27 June to 24 August 1710.			Remains due to the Officers.		
	l.	s.	d.	1.	s.	d.		s.	d.	100	s.	d.
Lt.Col. La Bastie	464	02	00	24	09	06	42	01	00		100	06
Major Bragard	409	10	00	21	12	00	-	_	-	387		
Cap. St. Maurice	273	00	00	14	08	00	21	15	00	236	17	00
Dubarry —	273	00	00	14	08	00	21	15	00	236	17	00
Jo. Gignoux	273	00	00	14	08	00	_	_	-	258	12	60
Desodes -	273	00	00	14	08	00	21	15	00	236	17	00
Larivalliere	273	00	00	14	08	00	21	15	00	236	17	00
Is. Gignoux	273	00	00	14	08	00	21	15	00	236	17	00
Beaufort —	273	00	00	14	08	00	21	15	00	236	17	00
Cap.Lt. Celeries	127	08	00	6	14	05	IQ	03	00	IIO	10	07
Lieut. Rocheblare	127	08	00	6	14,	05	10	93	00	110	10	07
Sautel —	127	08	00	6	14	05	10	03	00	110	10	07
Campaign-	127	08	00	6	14	05	10	03	00	110	10	07
Bonniface	127	08	00	6	14	04	10	93	00	110	10	07
Osmont	127	08	00	6	14	05	10	03	90	110	10	07
Listry -	127	08	00	6	14	05	10	03	00	110	10	07
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Surg. Margate	109				.15				00			10
	4449	18	00	234	14	05	292	18	00	3922	05	07



COPIES of the several LET-TERS, referr'd to in the foregoing CASE.

Whitehall February 5. 1707-8.

SIR,

TER Majesty having thought fit that the Regiment of Foot, under your Discontinuing Order. Command, shall be Discontinued until further Orders, and that the Officers thereof (the Prifoners excepted) shall be incorporated into others appointed to be Raifed for immediate Service, until the Prisoners taken at Almanza shall be Exchanged; I am Commanded to acquaint you therewith, and that it is her Majesty's Pleasure, you cause an Account to be returned to me forthwith, of the Number of Recruits that have been raifed by your Officers, who are in Britain, in order to their being difposed:

posed of into other Regiments, as shall be thought best for the Service. SIR, Your, Gc.

H. St. Fohn.

To Col. De Magny.

The like Letter was at the same Time fent to Col. Bowles, Col. Difney, and Col. Breton.

Whitehall December 4. 1710.

SIR.

Secretary at C Everal Officers, who have been Prisoners War's Letter of War, and lately Exchanged, of the missary Ge late Count Nassau's Regiment, which was Discontinued after the Battle of Almanza. being now come over from Spain, and having Applied for their Subfistance; It is her Majesty's Pleasure, that the said Officers upon appearing before you, and producing their Commissions, or other Proofs of their being Officers in the faid Regiment from the Muster-Rolls, You do Certifie a List of them, in order to their obtaining their Subsistance, or being otherwise Provided for, as her Majesty shall think fit.

I am, SIR, Your, &c.

G Granville.

To David Crawford Efg.

### Whitehall March 12. 1711.

SIR,

THE enclosed Memorial of the Officers Secretary at of the Regiment of the late Count War's Letter Nassau's, which was One of the Four Re-to Mr. giments that were Discontinued on the Establishment after the Battle of Almanza, having been laid before the Queen, her Majesty is pleased to order the same to be Referred to the Consideration of the Lords Commissioners of the Treasury, That their Lordships may give such Directions as they shall think proper, for the Paying what Money is due to the Officers of the said Regiment therein mentioned, who have been Detained Prisoners in France, till lately they came overupon their being Exchanged.

I am, SIR, Your, &c.

G. Granvill.

To Mr. Lowndes.

Whitehall June 1. 1711.

SIR,

Rolosed I send you a List of the Twelve Secretary at Captains and Twelve Lieutenants, War's Letter appointed to serve in Flanders, to whom to Captain you are to give Notice, That it is her Majesty's Pleasure they should hold themselves

in

in a Readine's to proceed thither the next: Week. I am,

SIR, Your, &c. To Capt. Valogne.

G. Granvill.

Captains. Mark Anthony Valogne. Piere le Brissionere. Fean Fagues Coulon. Gasc. deChauteauvieu. Henry la Lande.

Gignoux L'aine'. Gignoux Cadet. Dubarry. St. Maurice. Delodes.

La Rivalliere. Beaufort.

Lieutenants. Pierre Rose. Fean Mairam. Lewis la Grange. Armand. Guibert. Campaign. Rocheblave. Verchand. Olmont. Bonniface. Claud. Plasay.

Loftall:

Extract of Mr. Granvill's Letter to Mr. Cardonal, dated June 8. 1711.

War's Letter to the D. of Marlbro's Secretary.

Secretary at Nolosed I send you a List of the Twelve Captains and Twelve Lieutenants, being French Officers, who are appointed to serve in Flanders, and are ordered to repair immediately thither; Three Months Subsistance being Advanced them by Mr. Brydges on Account, until their Pay shall be Regulated by my Lord Duke of Markborough.

White-

SIR,

It is Her Majesty's Pleasure, That you Secretary at and the rest of the Officers, named in the War's Letter enclosed List, do take the First Opportunity Valogne, of Repairing to the Army in Flanders, where, upon your Arrival, you are to apply to Mr. Cardonal for his Grace the Duke of Marlborough's farther Order.

I am SIR, Your, Gc.

G. Granvill.

To Capt. Valogne.

A List of 12 Captains and 12 Lieutenants, who are to serve in Flanders.

Captains.
Mark Anth. Valogne.
Piere la Brissionere.
Fean Faques Coulon.
Gaspar de Chateavieu
Henry la Lande.

Gignoux L'aine.
Gignoux Cadet.
St. Maurice.
Desodes.
La Rivalliere.
Beaufort.

Claud. Plasay.

Lieutenants.
Pierre Rose.
Louis la Grange.

Armand.
Campaign.
Rocheblave.
Verchand.
Ofmont.
Loftall.
Liftry.
Feschemp.
Duffau.
Grubert.

Extract.

Whitehall June 15. 1711.

SIR.

War's Letter to the Duke rough's Secretary.

Secretary at T Am to acknowledge the Receipt of your Letter of the 13th Instant, with the of Marlbo- Copy of the Convention of the Regiment of French Deferters, which I have communicated to my Lord Treasurer, and am to acquaint you, That his Lordship does not think it proper to employ, on this Occafion, any of the Officers on the Penfion in Ireland, but that as many of the Regiment of De Magny, late Count Nassau's, as are not Provided for, Should be sent over, and the Number required made up out of the Half-Pay Officers of the same Nation here at home; fo that the Lift I fent you by the last Post, will admit of some Alteration : and as foon as it is fettled, I shall fend you a new one, and baften over the Officers.

G. Granvill.

To Mr. Cardonal.

Whitehall Fuly 11. 1711.

GENTLEMEN,

to the Treaturr.

Scretary at Y Send you here enclos'd, An Extract of War's Letter I a Letter which I have received from Mr. Cardonal, concerning the French Officers defigned for the Command of the BatBattalion to be Formed in Flanders, which I am to desire you will communicate to my Lotd Treasurer, That if his Lordship approves of the List, I laid before him some time since, among which the Officers of the late Count Nassau's Regiment are comprehended, and will please to Order them some Money in advance, that they may be hastened over to their Commands; Mr. Cardonal representing that they are very much wanted.

I am, Gentlemen, Your, &c.
G. Granvill.
To the Secretaries of the Treasury.

Extract.

Whitehall 20 July, 1711.

PON what you writ to me concern-War's Letter ing the French Officers, I renewed to the Duke my Application to my Lord Treasurer, That of Maribe-those Officers might have Money, to Enable cretary. them to Repair to Flanders; yet I do not find his Lordship has taken any Resolution therein, but will remind him of it again. I find the Difficulties in this Matter to arise from there being no Prevision made by Parliament, for the additional Expence of this French Battalion.

G. Granvill.

To Mr. Cardenal.

Whitehall, August 2, 1711.

GENTLEMEN,

Secretary at Having, pursuant to my Lord Trea-War's Letter furer's Directions, Prepared an Estato the Trea-blishment for the Battalion to be Formed of French Deserters in Flanders, I send the same to you here enclosed, to be laid before my Lord Treasurer, in order to his Lordship's countersigning thereof; and at the same time, I am to desire you to put his Lordship in mind of the Advance of Pay to be made to the Officers, according to the List some time since laid before him, if his Lordship approve thereof.

I am, Gentlemen, Your, &c.

G. Granvill.

To the Secretaries of the Treasury.

Extract of Report to the Treasury, by his Grace the Duke of Chandois, and the Right Honourable the Lord Lansdown, so far as relates to the foregoing Case.

To the Right Honourable the Lord High-Treasurer of Great Britain.

Pay-Master General's and Secretary at War's Report to the Treasury.

May it please your Lordship,

N Obedience to your Lordship's Order of Reference, dated the 13th of July last, upon the Petition of the Officers of the late

late Count Nassau's Regiment of Foot, setting forth;

"That most of them having served the Crown of Great Britain near Twenty Years, were upon the Establishment of Half-Pay in Ireland, during the late Peace; and having since been Formed into the said Regiment of Count Nassau, were taken Prisoners at the Battle of Almanza, and kept on the Frontiers of Spain, Three Years before they were Exchanged; That since their said Exchange, they have not received any Sub-sistance, the they have been Mustered from Time to Time by the Commissary-General; That, &c."

We have Examined the same, and do humbly Report to your Lordship,

That the said Regiment of the late Count Nassau, was One of those Regiments which were taken Prisoners at the Battle of Almanza in April 1707, and together with Three others, was Discontinued in February following, and Provided for by Parliament, to the 23d of December 1708, on the Fund for Subsisting of Prisoners; but from the said 23d of December 1708, nothing has been Granted for them by Parliament; however, they were Subsisted as Prisoners to the Time of their Exchange.

They do produce a Certificate, signed by the Commissary General, the 22d of August last, of their having then appeared before him, and made Oath, that they were all Unprovided for at that Time, being the Lieutenant-Colonel, Seven Captains, Eight Lieutenants, Two Lieutenants en Second, (who were Enfigns by the Queen's Commissions) a Chaplain, and a Surgeon's Mate: And, as they were made Prisoners in the Service of the Crown, were never Disbanded, but have attended ever since their Exchange at an equal Expence of other Officers here, who have been constantly paid, and in a Readiness to serve again, whenever Her Majesty shall think fit to Command them, as they had good hopes to believe, from the Assurances given them, would soon happen: And besides that, the Officers of the Three other Discontinued Regiments were all along Subsisted until the Regiments were Restored, or they otherwise Provided for; and in Regard that those who have given them Credit for their Subsistance since their Exchange, do now threaten them with Imprisonment, unless they are speedily Repaid.

They most humbly hope, from these Considerations, her Majesty will be Graciously pleased to Continue them their Pay, until they shall be Restored in their former Corps, or some otherwise Provided for, as her Majesty shall think fit.

All which, if her Majesty shall be pleased to consider, and relieve them in, We are of Opinion, that their Service and Sufferings do very justly intitle them to her Majesty's Favour.

And do humbly fubmit the fame to your Lordship,

7. Bridges, G. Granvill.

Whitehall Sept.27.1711.

